

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

OL USA LLC,

Plaintiff,

-v-

MAERSK A/S,

Defendant.

23 Civ. 10283 (PAE)

ORDER

PAUL A. ENGELMAYER, District Judge:

On June 5, 2024, plaintiff filed a motion to dismiss defendant's counterclaims under Rule 12 of the Federal Rules of Civil Procedure. Under Rule 15(a)(1)(B), a defendant has 21 days after the service of a motion under Rule 12(b) to amend its counterclaims once as a matter of course.

The Court, however, deems a short delay in briefing (and/or amendment) warranted. At the initial pretrial conference in this case, held June 3, 2024, the parties expressed mutual optimism that this case could settle as a result of a mediation scheduled for June 21, 2024. Dkt. 44 at 3 (parties' pre-conference joint letter). To minimize the risk of either party's resources being expended on a moot point, the Court extends the deadline for defendant to respond to plaintiff's motion (either by amending its counterclaims or opposing the motion) to July 3, 2024.

Accordingly, it is hereby ORDERED that defendant shall file any amended counterclaims by July 3, 2024. No further opportunities to amend will ordinarily be granted. If defendant does amend, by July 24, 2024, plaintiff shall: (1) file an answer; (2) file a new motion to dismiss; or

(3) submit a letter to the Court, copying defendant, stating that it relies on the previously filed motion to dismiss.¹

It is further ORDERED that if no amended counterclaims are filed, defendant shall serve any opposition to the motion to dismiss by July 3, 2024. Plaintiff's reply, if any, shall be served by July 17, 2024. At the time any reply is served, the moving party shall supply the Court with two (2) courtesy copies of all motion papers by mailing or delivering them to the Thurgood Marshall United States Courthouse, 40 Centre Street, New York, New York 10007.

SO ORDERED.



PAUL A. ENGELMAYER
United States District Judge

Dated: June 6, 2024
New York, New York

¹ If plaintiff files a new motion to dismiss or relies on its previous motion, defendant's opposition will be due 14 days thereafter, and plaintiff's reply, if any, will be due seven days after that.